

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

UNITED STATES OF AMERICA

V. CRIMINAL ACTION NO. 5:19-CR-3-KHJ-LGI-1

BORIS WARD

ORDER

Before the Court is Defendant Boris Ward's [301] Motion for Disclosure of Transcripts. The Court denies the motion without prejudice.

Ward moves for copies of his trial and sentencing transcripts. [301]. He argues that they are "necessary for adequate 'pro-se' representation" in this Section 2255 proceeding. *Id.*¹

"To obtain a transcript at government expense," a Section 2255 movant "must satisfy 28 U.S.C. § 753(f)." *United States v. Davis*, 369 F. App'x 546, 546 (5th Cir. 2010) (per curiam). That statute "provides for a free transcript for indigent prisoners asserting a claim under [Section] 2255 if a judge certifies that the asserted claim is 'not frivolous' and that the transcript is 'needed to decide the issue.'" *United States v. MacCollom*, 426 U.S. 317, 320–21 (1976) (plurality opinion) (quoting 28 U.S.C. § 753(f)). To obtain a transcript, the movant "must bring to the

¹ Ward's [300] Memorandum in Support of Motion to Vacate under 28 U.S.C. § 2255 likewise states that, "without the aid of transcripts and [his] case file, [he] is unable to provide sufficient facts and evidence to support his claim[s]" *Id.* at 10 (ineffective assistance of counsel); *id.* at 13 (insufficient evidence); *id.* at 15 (multiplicity); *see also id.* ("Ward is unable to demonstrate any other claims," such as "constructive amendment in the jury instructions' and 'sentencing issues.'").

court's attention any facts that might require a close examination of the trial transcript." *Davis*, 369 F. App'x at 547 (cleaned up).

Ward's motion did not "explain why the requested transcripts were necessary to decide" a non-frivolous claim. *Id.* So the Court denies the motion without prejudice.

The Court has considered all arguments. Those not addressed would not have changed the outcome. For the stated reasons, the Court DENIES without prejudice Ward's [301] Motion for Disclosure of Transcripts.

SO ORDERED, this 5th day of March, 2025.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE